

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**LEROY PURNELL**

**PLAINTIFF**

**v.**

**CASE NO.: 4:22-cv-77-DMB-JMV**

**CYNTHIA D. COHLY, ET AL.**

**DEFENDANTS**

**ORDER DENYING MOTION FOR ENTRY OF DEFAULT**

This matter is before the court on the Plaintiff's motion for entry of default as to all named defendants [5]. For the reasons explained below, the motion is denied.

Plaintiff, acting *pro se*, filed the instant action on May 24, 2022, and summonses were issued on that date. Since that time, the docket reflects that no proper service of a summons and complaint has been made on any named defendant. In this regard, the plaintiff is directed to Federal Rule of Civil Procedure 4 for the means to accomplish proper service of a complaint filed in Federal Court. Absent proper service of process, the court "lacks jurisdiction over a defendant, and an entry of default granted under such conditions is void." *Rogers v. Hartford Life & Accident Ins. Co.*, 167 F.3d 933, 940 (5th Cir. 1999); *see also Maryland State Firemen's Ass'n v. Chaves*, 166 F.R.D. 353, 354 (D. Md. 1996) ("It is axiomatic that service of process must be effective under the Federal Rules of Civil Procedure before a default or a default judgment may be entered against a defendant.")

Accordingly, the instant motion for entry of default [5] is **DENIED** as without merit.

**SO ORDERED**, this the 28th day of July, 2022.

/s/ Jane M. Virden

MAGISTRATE JUDGE JANE M. VIRDEN